



2164

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: **McDonough, T.**

Serial No.: **09/539,132**

Filed: **March 30, 2000**

For: **Mechanism and Business
Method for Implementing a Service
Contract Futures Exchange**

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Group Art Unit: **2164**

Examiner: **Felten, D.**

Attorney Docket No.: **CMCDO.00001**

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL DOCUMENT

Sir:

ENCLOSED HERewith:

- Interview Summary;
- Status Request; and
- Post card.

No fees are believed to be necessary. If, however, any fees are required, I request the Commissioner to contact the undersigned at the address below for any fees which may be required. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, I request the Commissioner to contact the undersigned at the address below for any fees which may be required.

October 27, 2003

ATTORNEY FOR APPLICANT

Respectfully submitted,

Rudolph J. Buchel, Jr.
Registration No. 43,448
7113 Dobbins Drive
Plano, Texas 75025

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GROUP 3600



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Rudolph J. Buchel Jr.

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
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STATUS INQUIRY

One year and six months have passed since the filing of a response to an outstanding Office Action on **APRIL 15, 2002**. An interview was conducted with the Examiner on this case on **August 27, 2003** in which the Examiner appeared acknowledge the receipt of the response and indicated a favorable disposition of the presently pending claims. No further communication has been received from the Patent and Trademark Office indicating action on this application since this application that was agreed during that interview.

Kindly advise the undersigned of the present status of this application.

October 27, 2003

ATTORNEY FOR APPLICANT

Respectfully submitted,

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Rudolph J. Buckel Jr.

INTERVIEW SUMMARY

An interview was held on conducted **August 27, 2003** between Examiner **Felten**, representing the USPTO, and Mr. Timothy McDonough, Ph.D., the Applicant of the above identified patent application. Below is a summary of that interview. Kindly enter this summary in the filewrapper for the above identified patent application.

The discussion began immediately with questions Examiner Felten posed concerning the features of futures contracts in services that distinguish them from contracts in physical commodities. Dr. McDonough explained that the difference between services and commodities include the reality that services cannot be stored and that they instantly perish at the time of delivery, thus compelling the market to incorporate the probability of perishing in the price discovery operation on a preferred embodiment of the present invention.

Examiner Felten then asked Dr. McDonough to explain the operation of index swaps such as the Baltic Exchange (BIFEX) ocean freight index contracts and the New York Mercantile Exchange (NYMEX) weather index contracts. Dr. McDonough replied with the explanation that the BIFEX swaps are derived from forward and spot contract rates that are negotiated outside of the futures exchanges, which would not be the case with services futures contracts traded on a preferred embodiment of the present invention. Dr. McDonough also

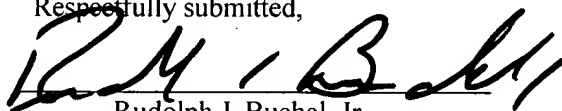
pointed out that the weather index units of "degree-days" that numerate the swap contracts traded on NYMEX are determined by nature. Both indices are used as a hedging mechanism by energy suppliers and industrial consumers for reducing price risks in spot and forward contract negotiations.

After our detailed discussions about the distinguishing features of futures contracts in physical commodities and services, Dr. McDonough asked Examiner Felten what the next step in the process would be. Examiner Felten replied that he intends to perform a search for prior art in one more class, and if no prior art is found, the next logical step would be for him to prepare a draft of allowances. He also indicated that he would prepare an interview summary soon after our meeting which would be transmitted to Applicant's attorney, Mr. Rudolph Buchel.

October 27, 2003

ATTORNEY FOR APPLICANT

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "R. J. Buchel, Jr.", written over a horizontal line.

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